

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 05-486 (GMS)
	)	
	)	JURY TRIAL DEMANDED
	)	
THE TORO COMPANY,	)	
	)	
Defendant.	)	

**STIPULATION TO SET EXPERT REPORT DEADLINES AND AMENDED  
SCHEDULING ORDER TO SET FACTUAL AND EXPERT DISCOVERY DEADLINES**

Pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedure, the parties to this action plaintiff Textron Innovations Inc. ("TII"), and defendant The Toro Company ("Toro"), by their respective counsel, hereby stipulate to the following deadlines for the service of expert reports. In addition, the Court hereby sets the following dates for the completion of factual and expert discovery, pursuant to its rulings made at the Status Conference on January 11, 2007.

- 1) The deadline for service of the parties' respective initial (burden of proof) expert reports shall be January 26, 2007.
- 2) The deadline for service of the parties' respective opposition expert reports shall be February 20, 2007.
- 3) TII shall be permitted to serve a supplemental report pertaining to damages within five business days after the satisfactory completion of the Rule 30(b)(6) deposition of Toro.
- 4) In the event that TII's supplemental report pertaining to damages is served after February 20, 2007, Toro shall be permitted to serve a report opposing the supplemental report within five business days after the service of TII's supplemental report.

Further, IT IS ORDERED that:

1. All factual and expert discovery shall conclude on February 28, 2007. All other dates on the schedule remain unchanged.
2. An addendum is attached summarizing and setting forth the remaining scheduling dates.

By: /s/ Edmond D. Johnson

Edmond D. Johnson (DE Bar #2257)  
Thomas H. Kovach (DE Bar #3964)  
PEPPER HAMILTON LLP  
Hercules Plaza, Suite 5100  
1313 N. Market Street  
P.O. Box 1709  
Wilmington, DE 19899-1709  
(302) 777-6500

By: /s/ David E. Moore

Richard L. Horwitz (DE Bar #4556)  
David E. Moore (DE Bar #3983)  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19899-0951  
(302) 984-6000

IT IS SO ORDERED THIS \_\_\_\_\_ DAY OF JANUARY, 2007.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

**Addendum to Scheduling Order**  
**Civil Action No. 05-486 (GMS)**

<b>Event</b>	<b>Proposed Dates</b>
<b>Fact Discovery</b>	
Completion of Fact Discovery	February 28, 2007
<b>Expert Discovery</b>	
Opening Expert Reports (burden of proof)	January 26, 2007
Answering Expert Reports	February 20, 2007
TII Supplemental Damages Report	within five business days after satisfactory completion of Rule 30(b)(6) deposition of Toro
Toro Supplemental Answering Damages Report (if TII supplemental report is served after February 20, 2007)	within five business days after service of TII supplemental damages report
Completion of Expert Discovery	February 28, 2007
<b>Trial Phase</b>	
Motions <i>in Limine</i>	Opening: April 9, 2007 Response: April 23, 2007 Reply: April 30, 2007
Submission of Joint Proposed Pretrial Order	April 30, 2007
Pretrial Conference	May 30, 2007, 10 a.m.
Trial	June 25, 2007, 9 a.m. (8 days)